

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ZURICH AMERICAN INSURANCE : CIVIL ACTION  
COMPANY :**

**v. : NO. 24-1879**

**CITIZENS INSURANCE COMPANY :  
OF AMERICA, BELFI BROS. AND :  
COMPANY, INC. :**

**ORDER**


**AND NOW**, this 13<sup>th</sup> day of September 2024, upon considering Plaintiff's Motion for partial judgment on the pleadings (ECF 22), Defendant's Motion for judgment on the pleadings (ECF 23), Responses (ECF 24, 25), finding the remaining claim for indemnity is not within our limited jurisdiction over ripe cases and controversies, and for reasons in today's accompanying Memorandum, it is **ORDERED** we **GRANT** Plaintiff's Motion for partial judgment on the pleadings (ECF 22) requiring we:

1. **DECLARE** Defendant Citizens Insurance Company of America is obligated to defend James J. Anderson Construction Company, Inc. in the underlying negligence case of *Panvini et ux v. James J. Anderson Construction, et al.* in the Philadelphia Court of Common Pleas, July Term 2023, No. 2861 including reimbursing Plaintiff for all fees and costs of defense incurred to date and to be incurred until final order;

2. **DENY** Defendant's Motion for judgment on the pleadings (ECF 23);

3. **DISMISS** Plaintiff's remaining claim seeking indemnification (ECF 1 ¶¶ 39–49) as unripe without prejudice; and,

4. **DIRECT** the Clerk of Court **close** this case.

  
**KEARNEY, J.**